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Monsanto

(From: Name, Location, Phone) KEITH S. MILLER WGK EXT. 6390

Date: August 13, 1991

cc: M. Foresman
B. Gilhousen

Subj: Cerro Copper Meeting

Ref:

Cerro Copper Meeting, 8-13-91

To: B. Boyle
~~S. Rodberg~~
M. McCombs
W. Smull

On August 6, 1991, Bill Boyle and I met with Paul Tandler and Joe Grano of Cerro Copper, their attorney, Michael Rodburg of Lowenstein, Sandler, et al. and Raymond Avendt of The Marmon Group. The meeting was at our request to gain additional information regarding Mr. Rodberg's letter that asked Monsanto to reimburse Cerro for the total cost associated with their removal action at the portion of Dead Creek, known as Creek Segment A.

Paul Tandler gave a brief review of the history of their decision to take the removal action followed by Mr. Rodburg describing Cerro's position. He indicated that they wanted to cooperate, that Monsanto was responsible for the organics in the creek, and that Cerro intended to proceed in a manner that would allow them to recover their costs from any PRP's. While the cost quoted in their letter to Mr. Harbison was close to the total expected, they were still waiting on a bill from IEPA for oversight expenses.

Mr. Rodberg made clear their position was to handle one site at a time and bring it to closure. He used as an example the fence we built around Site G (May 1987) followed by Monsanto billing Cerro and Harold Wiese for a third of the cost, which they paid. Cerro feels that the party that takes the lead in any action has the right to be able to bring the project to a total closure, that would include resolving the distribution of costs.

Cerro feels that Creek Segment B presents a separate set of issues altogether (i.e., landban expiration, overspill into other sites, etc.) and will be much more costly to remediate than Segment A. Since Segment B could drag on for years, Cerro feel Segment A should be settled now and independently.

Cerro does not want to drag this out over "weeks and weeks" and reminded us, that the law allows them to be reimbursed for the interest on the total.

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We told them that we would prefer to handle Dead Creek issues as a whole and not piecemeal. Cerro was not interested at all. Cerro feels that IEPA is much more interested in source control rather than an area wide groundwater remediation project.

Cerro does not expect Monsanto to pay the entire bill, but do want Monsanto to make a counter offer as soon as possible. We told them that we would get back to them.

I would like to recommended we get together and discuss our options in light of our overall strategy. I have scheduled a meeting for Monday, August 19, at 9:00 a.m in the Plant Manager's conference room.

Keith Miller

Keith S. Miller

/sdg

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